

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20002**

In the Matter of)	
)	
The Rural Digital Opportunity Fund Auction)	AU Docket No. 20-34
)	
Rural Digital Opportunity Fund)	WC Docket No. 19-126
)	
Connect America Fund)	WC Docket No. 10-90
)	

**CONDITIONAL AGREEMENT TO RETURN RDOF CENSUS
BLOCKS AND PETITION FOR WAIVER**

Citizens Telecommunications Company of West Virginia, Frontier Southwest Incorporated, Frontier Communications of Breezewood, LLC, Citizens Telecommunications Company of Illinois, Frontier Florida LLC, and Citizens Telecommunications Company of California (collectively “Frontier”) file this Conditional Agreement to Return RDOF Census Blocks and Petition for Waiver in response to the letters Frontier received from the Commission on July 26, 2021, requesting that Frontier undertake further review of certain census blocks that it won in Auction 904.¹ While Frontier is confident that it can “meet the Rural Digital Opportunity Fund public interest obligations,”² Frontier agrees to return the census blocks listed in Attachment A if the Commission grants a waiver, pursuant to 47 C.F.R. § 1.3, of the

¹ Letters from Michael Janson, Kris Monteith, and Giulia McHenry, FCC, to AJ Burton, Frontier (July 26, 2021) (“July 26th Letters”).

² See *id.*; see also Letter from Lynn Follansbee, USTelecom, and Michael Romano, NTCA, to Marlene H. Dortch, Docket Nos. 19-126, 10-90, and 20-34 (August 13, 2021) (explaining that the RDOF rules provide a location count true-up process at the state level in year 6 to manage these situations).

Commission’s auction default rules related to the return of these blocks.³ After careful review of the list of census blocks identified by the Commission, Frontier agrees that returning “these bids will serve the public interest by . . . targeting scarce Universal Service funds to where they are needed most.”⁴

Frontier, through its subsidiaries, participated in the RDOF auction and was the winning bidder for approximately \$371 million in RDOF support to supplement the cost of connecting an estimated 127,188 un- and under-served homes and small businesses in eight states. To meet this significant commitment, Frontier expects to invest hundreds of millions of dollars of its own funds—on top of its RDOF support—to bring gigabit, low latency service to these locations. These RDOF homes represent a small but important part of Frontier’s larger broadband expansion. As announced on August 5, 2021, Frontier intends to extend gigabit fiber broadband to ten million homes and business by year end 2025.⁵ To place the July 26th Letters in further context, the Commission asked Frontier to review census blocks associated with a small fraction—less than one percent of the locations—of Frontier’s RDOF award.

Frontier has carefully reviewed the list of census blocks identified by the July 26th Letters and agrees that a relatively small number of the census blocks that were included in the RDOF auction and that Frontier won raise concerns about the FCC awarding “wasteful” or unnecessary funding.⁶ While making up a small number of census blocks given the overall scope of the RDOF undertaking and Frontier’s award, certain census blocks were solely parking lots and

³ See *Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, ¶ 115 (2020).

⁴ See July 26th Letters.

⁵ See Frontier, *Investor Day Presentation* (Aug. 5, 2021), <https://bit.ly/3lV4KZr>.

⁶ See July 26th Letters.

portions of airports, as mentioned in the July 26th Letters. In other instances, the census blocks were made up of large commercial buildings with access to commercial fiber. The census blocks that Frontier agrees to return, subject to waiver of the Commission's default rules, are listed in Attachment A.

Frontier appreciates the Commission's stewardship of scarce Universal Service Fund resources and looks forward to building out gigabit broadband in partnership with the FCC through the RDOF program. The Commission's granting of this Conditional Agreement to Return RDOF Census Blocks and Petition for Waiver will promote the public interest by ensuring broadband resources are used most efficiently and effectively to bring gigabit capable high-speed broadband to unserved households. Frontier respectfully requests that the Commission grant the requested waiver and allow Frontier to return the census blocks in Attachment A.

Respectfully submitted,

FRONTIER COMMUNICATIONS,

By:

/s/ *AJ Burton*

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